

S/015/072

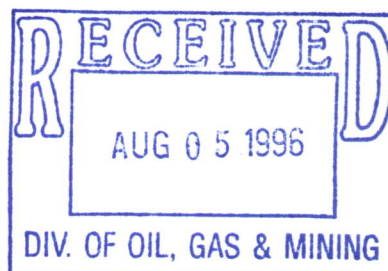
# WESTERN CLAY COMPANY

INDUSTRIAL / AGRICULTURAL MINERALS

August 1, 1996

Neal J. Mortensen  
P.O. Box 127  
Aurora, Ut. 84620

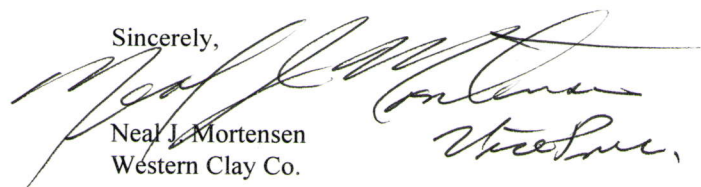
D. Wayne Hedberg  
Permit Supervisor  
Minerals Reclamation Program  
Utah Department of Natural Resources  
Division of Oil Gas and Mining  
1594 W North Temple, Suite 1210  
Box 145801  
Salt Lake City, Ut. 84114-5801



Dear Mr. Hedberg:

This letter is to inform you of our intention and agreement to the conditions set fourth in your letter of July 9, 1996. In regards to our Hebe Gypsum mine Western clay agrees to: (1) Cause no further expansion of the current disturbed area until our Large Mine Operations Notice of Intention receives final approval and an appropriately calculated reclamation surety is posted. (2) Conduct no additional mining at the site; however, materials currently stockpiled at the site will be removed. (3) Submission of a Large Mining Operation Notice of Intention to the Division by August 10, 1996. In addition to the above conditions I would like to inform you that the BLM has approved our access road right of way, pending receipt of a signed bond which I mailed today.

Sincerely,

  
Neal J. Mortensen  
Western Clay Co.





# State of Utah

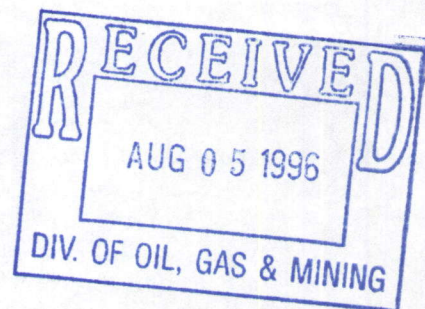
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
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355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)



July 9, 1996

CERTIFIED RETURN RECEIPT  
P 074 978 989

Neal J. Mortensen  
Western Clay Company  
508 East Center Street  
Aurora, Utah 84620

Re: Notice of Small Mine Operation Exceeding Five Acres of Surface Disturbance, Western Clay Company, Hebe Gypsum, S/015/072, Emery County, Utah

Dear Mr. Mortensen:

On June 14, 1996, the Division was notified by the Price Area office of the BLM that your small mine operation has exceeded five acres of surface disturbance. On June 19, 1996, Division staff inspected the Hebe Gypsum site (in your presence) to confirm the BLM's assessment. The main contributing factor to the site exceeding five acres is the increase in width of the approximate 8,200 linear feet of access road. The proposed surface disturbance for this site is; 2.07 acres of access road, 0.19 acres of road alignments, and 2.62 acres of pit area. At the time of the June 19th inspection, the road averaged 14 feet wide yielding approximately 2.62 acres of disturbance, rather than 2.07 acres. This increased road width brings the total disturbed area to approximately 5.44 acres. In addition, there are several unplanned turnouts along the access road which have been created by repeated truck traffic. These turnouts are not included in the 5.44 acre figure.

You have informed us that you are in the process of completing a large mine permit application (FORM MR-LMO) and will be submitting it to the Division within the near term. We have received a copy of the BLM's Notice Of Decision, dated June 14, 1996, which was sent to you regarding their field examination and the determination of excess disturbed acreage. It is our understanding that you have filed an application with the BLM for a Right Of Way (ROW) to allow widening of the mine access/haul road. Please be aware that the Division will include the construction of any new access roads under this ROW as part of the total disturbed acreage for your mine operation.

Minerals rule R647-3-113 - *Mine Enlargement*, requires an operator to file a Notice of Intention to Commence Large Mining Operations (Form MR-LMO) and receive Division approval, *before* enlarging a small mining operation beyond five (5) acres of surface disturbance. Technically, the Western Clay Hebe Gypsum Mine operation is in a state of non-compliance. However, given the magnitude of this infraction and your willingness to immediately remedy the situation, the Division will not proceed with the issuance of a formal Notice of Agency Action at this time. In order to remedy the

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Neal J. Mortensen

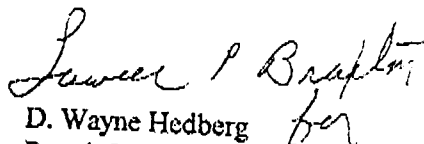
S/015/072

July 9, 1996

situation, the Division will require a written statement from Western Clay within 15 days of your receipt of this letter. Western Clay's response must agree to the following conditions regarding the Hebe Gypsum Mine: (1) No further expansion of the current disturbed area will take place until the Large Mine Operations Notice of Intention receives final approval and an appropriately calculated reclamation surety is posted. (2) No additional mining will be conducted at the site; however, materials currently stockpiled at the site may be removed. (3) The submission of a Large Mining Operation Notice of Intention (LMO-NOI) to the Division within 30 days from your receipt of this letter. In addition to meeting these conditions, Western Clay will also need to receive appropriate BLM approval for the access road ROW and any other mining-related activity proposed for this site.

Please be advised that processing a LMO-NOI to a state of final approval by the Division often requires a minimum of 90 to 120 days. You may need to adjust your operations accordingly to stay within your present extent of surface disturbance until the LMO-NOI is formally approved by the Division. Any further mine expansion without the necessary regulatory approvals will result in appropriate Division enforcement action. If you have any comments regarding this issue you may contact me or Tony Gallegos at (801) 538-5286 and 538-5267 respectively.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Minerals Reclamation Program

jb

cc: Neil Simmons, BLM (UTU-73779)  
Minerals staff (route)

S15-72.non